IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 15490 OF 2006 (O&M)

Date of decision : November 07, 2006

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Tagore College of Education for Women .....Petitioner

Vs.

State of Punjab & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Rajiv Atma Ram, Senior Advocate with Mr. Hem Raj Mittal, Advocate for the petitioner(s).

Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab for respondent no.1.

Ms. Anupam Gupta, Advocate for respondent no.2.

Mr. D.S Patwalia, Advocate for respondent no.3.

Mr. V.S Bhardwaj, Advocate for respondent no.4.

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Viney Mittal, J. (Oral)

C.M No.18281 of 2006

Prayer made in the application is allowed.

Replication filed on behalf of the petitioner to the written statement filed by respondent no.3, is taken on record.

C.M No.18532 of 2006

Prayer made in the application is allowed.

Rejoinder on behalf of respondent no.3 to the replication filed by the petitioner is taken on record.

CWP No.15490 of 2006

The petitioner-College has approached this Court for issuance of directions to respondents no. 1 to 3 to include the petitioner-College in the counselling for admission to B.Ed Course for the academic session 2006-07. The aforesaid relief has been sought by the petitioner-College by claiming that a permanent recognition had been granted to it by National Council for Teacher Education-respondent no.4 to run a B.Ed College for the academic session 2006-07 and the petitioner-College had complied with all the conditions/stipulations and the norms as required by NCTE regulations, UGC and stipulations laid down by the Guru Nanak Dev University, Amritsar and the State of Punjab. The petitioner-College has also maintained that the requisite faculty staff (including the Principal) had been appointed by the petitioner-College on or before Septemeber 18, 2006 i.e before the cut off date fixed by the State Government in consultation with the various Universities in the State of Punjab.

Factual aspects with regard to the appointment of the faculty staff have been seriously disputed by the respondent-Guru Nanak Dev University. It has been maintained that the petitioner-College had not appointed the requisite staff, as per norms and as per decision taken by the State Government and Universities prior to the cut off date. Sh. D.S Patwalia, learned counsel for the respondent-Guru Nanak Dev University has maintained that the cut off date was fixed as September 20, 2006.

During the course of arguments, we have found that there is a serious dispute on facts and arguments have been addressed by all the learned counsel for the parties on the factual aspect of the matter.

Keeping in view the fact that certain factual issues are required to be determined before any relief can be granted to the petitioner-College, as claimed by it, Sh. Rajiv Atma Ram, learned senior counsel appearing for the petitioner-College has requested the Court to relegate the matter to a Committee which may comprise of the Secretary or Additional Secretary, Higher Education, Government of Punjab and the Vice Chancellor of Guru Nanak Dev University, Amritsar (or the Registrar, so desired by the Vice Chancellor) which may go into the factual aspect of the matter as to whether the petitioner-College had fulfilled all the requisite requirements prior to the

cut off date, if any.

Sh. Sukhdip Singh Brar, learned Additional Advocate General, Punjab appearing for the State of Punjab has no objection if the aforesaid request made on behalf of the petitioner is accepted. Sh. D.S Patwalia, learned counsel appearing for the respondent-Guru Nanak Dev University, Amritsar also very fairly states that the request made by the petitioner may be accepted to that limited extent.

Keeping in view the aforesaid agreement between the learned counsel for the parties, we direct that a joint meeting of the Secretary (Additional Secretary, if the Secretary is not available),Department of Higher Education, Government of Punjab, and Vice Chancellor (or the Registrar, if so desired by the Vice Chancellor) of Guru Nanak Dev University, Amritsar shall be held within a period of 2 weeks from today. The information of the date of meeting of the aforesaid committee will be given to the learned counsel appearing for the petitioner by Sh. D.S Patwalia, learned counsel appearing for the respondent-University. The petitioner-College would be at liberty to place all the material which is available with it to satisfy the Members of the Committee with regard to the factual aspect to the effect that all requisite stipulations had been complied with by the petitioner-College before the cut-off date, if any. It would be open to the Committee to take into consideration any other relevant fact which is brought to its notice by the petitioners or the University.

If the Committee is satisfied that the petitioner-College had so complied with all the stipulations before the cut-off date, if any, then, in such a situation, obviously further action shall be taken in accordance with law.

Present petition is disposed of with the aforesaid directions.

Copy of this order be given dasti under the signatures of the Special Secretary attached to the Bench.

(VINEY MITTAL)
JUDGE

November 07, 2006
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(H.S BHALLA)
JUDGE